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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,713	10/29/2001	Johannes J. Mons	PHN 16-657A	5400

7590 09/06/2002

Corporate Patent Counsel
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EXAMINER

DINH, TAN X

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 09/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER

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DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☐ Claim(s) _____ is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 10-17 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☒ received in Application No. (Series Code/Serial Number) 09/355,379
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2653

1) This application is a Divisional Application of S/N 09/355,379, filed on 11/24/1998, and now is US 6,353,580.

2) The preliminary amendment filed on 10/29/2001 is acknowledged.

Claim(s) 1-9 have been canceled. New claims 10-17 have been currently added.

3) The specification is not arranged in US patent's format.

The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- © Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

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4) The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested:

METHOD FOR RECORDING AUDIO-CENTER AT MULTI-LEVEL TOC AND
DIRECTORY STRUCTURES.

5) Claims 10-17 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

a) Claims 10-17 recite the feature of " a highest level of TOC mechanism pointing to the audio items and lowest level TOC file points immediately to the respective contents " which were never exist in the original specification.

b) The features of " storing on the unitary storage medium, a file-based access mechanism including a root directory containing item localizing information; the root directory containing the highest level file of the TOC mechanism " (claims 10-17) are never exist in the original specification.

c) And the features " wherein the audio information is accessible using either the TOC access mechanism or the filed-based access mechanism " (claims 10-17) are also never exist in

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the original specification. These features are considered as new matter.

6) Claims 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "A unitary medium produced by the method of claim 10" (claim 15) is unclear and cannot be understood. Claim 10 is completely silent about how to produce a unitary medium as claimed in claims 15. Therefore, it's so unclear how to produce an unitary medium in this case.

The phrase "standard" (claim 16, line 4. For example, "half the size of a conventional/standard/normal disk drive") is indefinite because elements in the art of varying size, dimensions, properties, etc., could all be considered to be conventional, standard or normal.

7) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

IGARASHI (5,848,038 and 5,867,466), SAKURAI (5,210,734), NISHIDA et al (5,384,674), FUJII (5,650,991), YOKOTA (5,754,521), MAEDA et al (6,072,759) and ENDOH et al (6,016,295) discloses a method and an apparatus for accessing audio information using TOC.

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8) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to TAN DINH whose telephone number is (703)308-4859. The Examiner can normally be reached on Monday - Friday from 8:00AM to 5:30PM.

The *fax phone number* for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the RECEPTIONIST whose telephone number is (703) 305-4750, or the CUSTOMER SERVICE whose telephone number is (703) 306-0377.



TAN DINH
PRIMARY EXAMINER

September 3, 2002